

The Special Study Meeting of the Troy City Planning Commission was called to order by Vice-Chairman Littman at 7:30 p.m. on November 5, 2002, in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Present:

Littman

Pennington

Starr

Storrs

Vleck

Waller

Wright (arrived 7:33 p.m.)

Absent

Chamberlain

Kramer

Moved by Starr

Seconded by Pennington

RESOLVED, that Mr. Chamberlain and Mr. Kramer be excused from attendance at this meeting.

Yeas

All present (6)

Absent

Chamberlain

Kramer

Wright (arrived 7:33 p.m.)

MOTION CARRIED

Also Present:

Brent Savidant, Principal Planner

Susan Lancaster, Assistant City Attorney

2. MINUTES - October 22, 2002 Special Study

RESOLUTION

Moved by Starr

Seconded by Wright

RESOLVED to approve the October 22, 2002, Planning Commission Special Study Meeting minutes as amended.

Yeas:

Waller

Littman

Starr

Storrs

Vleck

Abstain:

Wright

Pennington

Absent:

Chamberlain

Kramer

MOTION CARRIED

3. CURRENT DEVELOPMENT REPORT

Mr. Savidant asked if all members received a copy of the memo that was written by City Manager, John Szerlag.

Mr. Savidant stated the "screen walls" was an agenda item at City Council last night, which was denied - Resolution "A". The resolution further stated: BE IT FURTHER RESOLVED, That City Management is directed to meet with the Planning Commission to propose alternative ordinance revisions regarding screen walls that would give the Planning Commission more authority in determining effective screening methods as part of the development plan approval process as delineated in the Memorandum from the City Manager, dated October 29, 2002.

Mr. Savidant further stated the City Manager has indicated that he would like to attend a Special Study Session to discuss this item with the Planning Commission.

Mr. Storrs stated when you read the City Manager's note to City Council, he thinks we're getting improperly into engineering items. What I'd like to know is what went wrong up on Evanswood? What went wrong engineering-wise? It happened behind Reece's house also. If we're not supposed to do engineering, what went wrong in those two instances? Why shouldn't we worry about engineering as it relates to residents coming in stating their problems?

Mr. Littman commented we could send a recommendation to Engineering, who may or may not pay any attention.

Mr. Waller stated, if in fact we are exceeding our authority, that means somebody else has to be responsible and if those parties are not, where does that leave the taxpayers?

Mr. Waller further stated there needs to be discussions and what will come out of it is a general awareness that there has to be some changes and someone is going to have to step up to the responsibility.

Mr. Waller mentioned that there were some improvements made at the Hollywood Market entry drive that are inconsistent with the approved site plan. He assumed that the changes were approved by the Oakland County Road Commission who had jurisdiction over the right of way. He asked whether the city had any review authority for changes in an OCRC right-of-way that were inconsistent with an approved site plan.

Mr. Savidant stated that the city had no approval authority. He stated that he would verify this with the Engineering Department.

Mr. Littman stated in order to make changes, we first have to recognize there is a problem. We need to bring up some of the issues that the citizens bring to us.

Mr. Storrs stated we wanted to prevent tearing up a lot of the root systems.

Ms. Lancaster stated Ms. Bluhm, City Attorney for Troy, reviewed Mr. Szerlag's memo and made some comments before it went to Council. The BZA might have the authority to waive the brick material for the same reasons you could grant a waiver for any zoning ordinance; that is, if there was a practical difficulty.

Ms. Lancaster commented on Item #2 of the memo regarding the discussions on the grading, trenching and the drainage. She believes a drainage problem could arise with any kind of wall, not just that proposed in the ordinance. She stated in Items #3 and #4 of the memo, it is implied that this Commission has the authority to relocate walls around trees. However, the ordinance is somewhat vague and it doesn't specifically say you can move the wall for trees alone. It talks about moving the wall to focus on the intent of the ordinance, which is the screening and obscuring function. That might be one reason to clarify that language.

Mr. Littman asked if this was all about the golf course.

Ms. Lancaster replied she thinks it resulted from the golf course and Council's thinking that walls are not always appropriate. There are some situations where walls are not necessarily the way to go.

Mr. Littman asked, do we or do we not have the authority to move a wall location?

Ms. Lancaster replied, not for trees in and of themselves. In Section 39.10.02, the provision doesn't really say for trees only and I suppose anybody could always read into that. It's not really clear that it means specifically trees.

Mr. Littman stated, when Gary Chamberlain gets back, he will coordinate a meeting with John Szerlag. He would like to have the City Engineer present also.

Mr. Starr stated he would like to encourage this as soon as we can get it on our agenda.

Mr. Vleck suggested, if we're overstepping our boundaries, then obviously we don't know how to write an ordinance the way Council wants it written; why doesn't Council have their own study session, do their own research, do it themselves instead of wasting our time.

Mr. Littman stated I guess it's our decision whether we want to deal with this or not.

Ms. Lancaster stated that it is actually one of the Planning Commission's designated responsibilities.

Ms. Pennington asked, we don't have a response from City Council?

Mr. Savidant replied, just in the form of a resolution.

Mr. Littman stated nothing was passed, changed, or corrected. It was a request by the City Manager to meet with us.

Mr. Savidant stated another item regarding the Current Development Report is the Open Space Preservation Option that the Planning Commission worked on and approved for recommendation to City Council. This item is scheduled for a City Council Study Session on November 11th and is a City Council agenda item for November 17th. City Management is supportive of the Planning Commission's version, but Council has created modified versions.

Mr. Littman asked, how have they modified it?

Mr. Savidant stated City Council wants to see the elimination of the parallel plan, which is used to determine allowable density. They want to permit duplexes. They want to eliminate the requirement of 50% uplands. Another item is that in order to qualify for duplexes, there is a minimum requirement of two (2) acre parcels. That's basically what the changes are that are being discussed by City Council right now.

Mr. Storrs asked, does the two-acre minimum only relate to duplexes?

Mr. Savidant replied, yes.

Mr. Wright commented about allowing those duplexes right across the street from two of the most expensive and most exclusive residential areas.

Mr. Storrs asked why is Council interested in duplexes?

Mr. Savidant stated he thinks it was to serve as an incentive.

Mr. Waller asked, is there going to be a park or a wetland, i.e., a natural features area when these people are done with this?

Mr. Savidant replied the 20% open space requirement has not changed.

Mr. Waller asked, is this 20% over and above setback, side yards and everything else?

Mr. Savidant replied, yes.

Mr. Storrs stated we have a series of objectives, the language we proposed stated: "the following objectives shall govern", it's been watered down to read: "the following objectives shall service".

Mr. Waller asked, who changed the language?

Mr. Savidant stated he believes that the proposed change was brought up by the City Attorney. In this instance he agrees with her because the option is permitted by right and according to state statute you cannot place additional standards on the Open Space Preservation Option.

Mr. Littman asked, are we going to see this ordinance again or are we done with it?

Ms. Lancaster replied, I don't think you're going to see it again. City Management is encouraging City Council to adopt your original ordinance.

Mr. Savidant stated another item under the Current Development Report is Infill. At the last study session meeting we talked about infill and coming up with some standards and language. We discussed using the Rochester Road and Long Lake intersection to jumpstart the process of developing infill language. The Planning Department will be working with Carlisle/Wortmann as experts and we will not be using the Rochester Road/Long Lake intersection because the Backbay PUD is being reviewed at this time and also the Woodside Bible Church is for sale and will probably be a PUD application. We are going to do the same type of thing, but it will be at the Big Beaver/Rochester Road intersection and include these two areas. There is not a lot of budget left for consultants; however, we will get the assistance of Mr. Carlisle to help get this started. We can still do the Rochester Road/Long Lake intersection in the future.

4. HEIGHT LIMITS FOR AMATEUR RADIO ANTENNA (ZOTA #180)

Mr. Savidant stated that City Management has found an expert to discuss amateur radio with the subcommittee. A meeting date is being scheduled. This meeting will probably be scheduled during the daytime and the arrangements will occur this week.

Ms. Lancaster stated she talked with the gentleman that Mr. Miller found and he is willing to do this for free. He has had some other experience in dealing with this issue and the federal law. He had a lot of ideas for both sides.

5. ORDINANCE REVISION DISCUSSION – SPECIAL USE APPROVALS (ZOTA 197)

No discussion.

6. ORDINANCE REVISION DISCUSSION – OFF STREET PARKING REQUIREMENTS (ZOTA 198)

Mr. Savidant stated there have not been a lot of changes since the last handout; however, there were some additions to the language as it relates to landbanking. Discussion followed.

7. ORDINANCE REVISION DISCUSSION - R-1T ONE FAMILY CLUSTER (ZOTA 196)

Discussions were held on the draft revisions to the R-1T One Family Cluster district and it was agreed on by the Planning Commission to move forward with this item and to schedule it for a public hearing.

8. ORDINANCE REVISION DISCUSSION - SITE PLAN REVIEW STANDARDS DISCUSSION

Mr. Savidant stated under the current City of Troy Zoning Ordinance there really are no triggers to determine when site plan review is required for an application. What the City ends up relying on is policy. It is very unclear and vague and he thinks it is a hole in the ordinance. What exactly triggers site plan review? What we have provided you with this evening are some examples as to what other communities use to determine when a proposed development is required to go through site plan review.

Mr. Littman asked Mr. Savidant to give the Planning Commission an example of a problem.

Mr. Savidant stated this is a good example as it is on the agenda for next week. The Troy Professional Office on Dequindre was given preliminary site plan approval by the Planning Commission approximately 2-3 months ago. It was approved; when the petitioner started his engineering, he realized he didn't have enough room for a 6:1 slope for the detention basin and he wants to go to a 4:1 slope. All he's doing is modifying the detention basin; does he need to come back for site plan approval? It's not clear in the ordinance. We told him he had to come back for site plan approval, so next week he is on the agenda to change the detention basin to a 4:1 slope with an ornamental fence on three sides. He's allowed by law to do it. We asked for ornamental rather than chain link. It is important to have a record of what's done, and the best way is to get a site plan.

Mr. Waller stated he could reduce the size of his building, which would allow him to have more available land.

Mr. Savidant stated he is allowed a 4:1 slope in a non-residential district.

The Planning Commission informally agreed to move forward with preparing draft language on this matter.

9. ORDINANCE REVISION DISCUSSION - SPECIAL REQUIREMENTS IN DDA DISTRICT

Mr. Savidant stated this item was added at the request of the Planning Commission to discuss whether there is a need for additional design requirements in the DDA District. This item was placed on the agenda as a request from Mr. Chamberlain, who is not present tonight. Does the Planning Commission feel it's important to have additional design standards for the DDA

district for future development within the DDA district? Do you want to get into developing specific design criteria?

Mr. Littman stated he believes the Planning Commission should hold off on discussions regarding this item until Mr. Chamberlain returns.

Mr. Savidant stated going back to Ham Radios, we have some representatives here and he would like to inform them that when a date for discussions is set, that they will be invited to attend the meeting along with the subcommittee.

10. PUBLIC COMMENT

Public comment opened.

Ms. Lancaster asked Mr. Ode if he would be available for a daytime meeting regarding the Ham Radio operations.

Mr. Ode, 4508 Whisper Way, stated he did not feel that would be any problem.

Public comment closed.

FOR THE GOOD OF THE ORDER

Ms. Lancaster stated that in the Rabbani case, the Judge ruled against the City. We are filing a Claim of Appeal just to preserve our right to go forward.

ADJOURN

The Special Study Meeting of the Planning Commission was adjourned at 9:10 p.m.

Respectfully submitted,

Mark F. Miller AICP/PCP
Planning Director